UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.S. and R.S. individually, and on behalf of John S., a minor, Plaintiffs, -against- THE NEW YORK CITY DEPARTMENT OF EDUCATION and THE NEW YORK STATE EDUCATION DEPARTMENT,	**DECLARATION OF NICOLE ROBINSON** ECF Case No.: 15 CV 0355

Nicole Robinson declares under penalty of perjury under the laws of the United States of America, specifically 28 U.S.C. § 1746, that the following is true and correct.

1.   I am a pediatric neuropsychologist. I have a Master of Science in School Psychology at Pace, and a Doctor of Psychology (Psy.D.) in School and Clinical Child Psychology from Pace. I have extensive clinical experience including training in pediatric neuropsychological assessment at the NYU Rusk Institute, in child and adolescent psychiatry at Kings County Hospital Center, in play therapy, psychodynamic/cognitive behavioral therapies and grief counseling at Steinway Child and Family Services, and in individual and group counseling and psychoeducational assessment in the Rahway, New Jersey school district.

2.   I am the psychologist who prepared the December 2012 / January 2013 Neuropsychological Evaluation of John S. and the October 23, 2013 Neuropsychological Update of John S. (See Plaintiff's Impartial Hearing Exhibits E and F.)

1

3.   I submit this declaration in support of Plaintiff's Cross-Motion for

Summary Judgment.

4.   John is a student with autism. While not all students with autism require

Applied Behavioral Analysis ("ABA") to learn, John is very sensitive to methodology.

There is a huge difference between John getting ABA and not getting ABA. For example,

when observed John responded better to unfamiliar adult using ABA than with a familiar

adult who did not use ABA.

5.   John is not engaged socially at all without ABA. With ABA he was more

engaged socially.

6.   It is not a matter of refocusing John. It is getting the right response with

ABA.

7.   The critical elements of ABA for John are succinct prompts, predictable

and familiar prompts, and a motivator / reenforcer at the end of the task. Without these

John does not learn. John needs motivational reenforcers to learn and then the

motivational reenforcers need to be slowly scaled back.

8.   ABA engages John, which enables him to learn. John cannot sustain

attention for more than a few seconds without ABA. Every time you get him back on

track you start over so refocusing is not productive. John needs the short repetitive

prompts to be able to learn.

9.   John also needs an extremely quiet environment to learn. He is extremely

sensitive to noise. He cannot learn in a noisy environment.

10.   A quiet environment and ABA are two of the necessary requirements for John to learn. Any IEP that did not include a quiet environment and ABA would not be appropriate for John.

11.   I state under penalty of perjury under the laws of the United States of America, specifically 28 U.S.C. § 1746, that the above is true and correct.

Respectfully submitted,
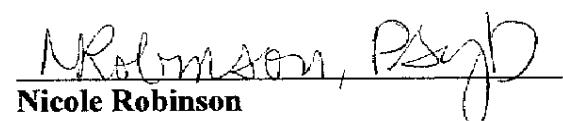
Nicole Robinson

DATED   New York, NY
            05/25/2016